

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
DEAN MCEACHRON-HOWELL,	:	
	:	
Plaintiff,	:	
	:	22-CV-7259 (VSB)
-against-	:	
	:	<u>ORDER</u>
NEW YORK PRESBYTERIAN HOSPITAL,	:	
	:	
Defendant.	:	
-----X		

VERNON S. BRODERICK, United States District Judge:

I am in receipt of Plaintiff's materials submitted in response to Defendant's motion for summary judgment, (Docs. 56–63), and Defendant's letter objecting to the length of Plaintiff's materials, (Doc. 64).

Some of Plaintiff's submissions do not comply with this Court's procedural rules. In particular, my Civil Rule 4.B. imposes a general 25-page limit on memoranda of law; I may modify this limitation upon request and for good cause. I previously granted Defendant's request to submit a 35-page memorandum. Plaintiff's memorandum of law in opposition to summary judgment is 72 pages, (Doc. 60), and Plaintiff has submitted an additional memorandum of "points and authorities in opposition" to the motion that is 84 pages, (Doc. 59.). I find that Plaintiff's contravention of this rule prejudices Defendant, as Plaintiff afforded herself more space to argue in support of her position than Defendant without seeking permission from the Court.

Defendant's letter, however, goes too far in objecting to Plaintiff's Declaration and Rule 56.1 materials. (Docs. 56, 61, 62.) Though the Declaration is lengthy, Plaintiff appears to have submitted it and the attachments thereto in an effort to comply with Federal Rule of Civil

Procedure 56(c). Defendant has submitted six Declarations with lengthy attachments as well. (Docs. 41–46.).

With regard to the Rule 56.1 submissions, Local Rule 56.1(b) provides that the opponent of a summary-judgment motion may submit “a separate, short and concise statement of additional material facts.” The Rule does not specifically impose a page limitation or otherwise address what may constitute a “short and concise statement[.]” Plaintiff’s lengthy submission at Document 61 appears to be a statement of additional facts. In light of Plaintiff’s pro se status, I find that this document indicates an effort to substantially comply with Local Rule 56.1(b). In addition, I find Plaintiff’s counterstatement of material facts, (Doc. 62), indicates an effort to substantially comply with Local Rule 56.1(b), as it “respond[s] to[] each numbered paragraph in the statement of the moving party[.]” While I decline to strike these submissions at this time, I may further address the length of these submissions in any decision on the motion for summary judgment.

Accordingly, it is hereby:

ORDERED that Plaintiff’s memoranda, (Docs. 59, 60), are stricken from the docket.


IT IS FURTHER ORDERED that, by August 30, 2024, Plaintiff shall submit a single memorandum of law, not to exceed 35 pages, in opposition to Defendant’s motion for summary judgment. If Plaintiff wishes to exceed this page limitation, she must seek leave of Court and explain why additional pages are warranted and would not prejudice Defendant.

IT IS FURTHER ORDERED that Defendant’s request to strike Plaintiff’s other submissions is DENIED.

IT IS FURTHER ORDERED that Defendant's deadline to submit reply briefing shall be extended to October 18, 2024.

SO ORDERED.

Dated: August 9, 2024
New York, New York


Vernon S. Broderick
United States District Judge